

ASSEMBLY BILL

No. 2253

Introduced by Assembly Member Ting

February 21, 2014

An act to amend Section 7299.4 of the Government Code, relating to bilingual services.

LEGISLATIVE COUNSEL'S DIGEST

AB 2253, as introduced, Ting. Bilingual services: implementation plans.

The Dymally-Alatorre Bilingual Services Act requires each state agency to conduct a survey, related to its bilingual services, of each of its local offices every two years to determine specified information, and to report results and any additional information requested to the Department of Human Resources. The act requires each agency that serves a substantial number of non-English-speaking people who comprise 5% or more of the people served to develop an implementation plan, as specified, in every odd-numbered year, and to submit the implementation plan to the department for its review. The act authorizes the department, if it determines that a state agency has not made reasonable progress toward complying with the act, to issue orders that it deems appropriate to effectuate the purposes of the act.

This bill would instead require the department, if it determines that a state agency has not made reasonable progress toward complying with the act, to issue orders that it deems appropriate to effectuate the purposes of the act.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 7299.4 of the Government Code is amended to read:

7299.4. (a) Notwithstanding any other provision in this chapter, each state agency shall conduct a language survey and develop and update an implementation plan that complies with the requirements of this chapter.

(b) Each agency shall conduct a language survey of each of its local offices every two years to determine and provide all of the following:

(1) The name, position, and contact information of the employee designated by the agency responsible for complying with this chapter.

(2) The number of public contact positions in each local office.

(3) The number of qualified bilingual employees in public contact positions in each local office, and the languages they speak, other than English.

(4) The number and percentage of non-English-speaking people served by each local office, broken down by native language.

(5) The number of anticipated vacancies in public contact positions.

(6) Whether the use of other available options, including contracted telephone-based interpretation services, in addition to qualified bilingual persons in public contact positions, is serving the language needs of the people served by the agency.

(7) A list of all written materials that are required to be translated or otherwise made accessible to non- or limited-English-speaking individuals by Sections 7295.2 and 7295.4.

(8) A list of materials identified in paragraph (7) that have been translated and languages into which they have been translated.

(9) The number of additional qualified bilingual public contact staff, if any, needed at each local office to comply with this chapter.

(10) A detailed description of the agency's procedures for identifying written materials that are required to be translated.

(11) Each agency shall calculate the percentage of non-English-speaking people served by each local office by rounding the percentage arrived at to the nearest whole percentage point.

1 (12) A detailed description of the agency's procedures for
2 identifying language needs at local offices and assigning qualified
3 bilingual staff to those offices.

4 (13) A detailed description of how the agency recruits qualified
5 bilingual staff in local offices.

6 (14) A detailed description of any training the agency provides
7 to its staff on the provision of services to non- or
8 limited-English-speaking individuals, frequency of training, and
9 date of most recent training.

10 (15) A detailed description of the agency's procedures for
11 accepting and resolving complaints of an alleged violation due to
12 failure to make available translated documents or provide
13 interpreter service through bilingual staff or contract services.

14 (16) A detailed description of how the agency complies with
15 any federal or other state laws that require the provision of
16 linguistically accessible services to the public.

17 (17) Any other relevant information requested by the Department
18 of Human Resources.

19 (c) The language survey results and any additional information
20 requested shall be reported in the form and at the time required by
21 the Department of Human Resources, and delivered to the
22 department not later than October 1 of every even-numbered year.

23 (d) Every odd-numbered year, each agency that served a
24 substantial number of non-English-speaking people who comprise
25 5 percent or more of the people served shall develop an
26 implementation plan that provides a detailed description of how
27 the agency plans to address any deficiencies in meeting the
28 requirements of this chapter, including, but not limited to, the
29 failure to translate written materials or employ sufficient numbers
30 of qualified bilingual employees in public contact positions at local
31 offices, the proposed actions to be taken to address the deficiencies,
32 and the proposed dates by when the deficiencies will be remedied.

33 (e) In developing its implementation plan, each state agency
34 may rely upon data gathered from its most recent language survey.

35 (f) Each state agency shall submit its implementation plan to
36 the Department of Human Resources no later than October 1 of
37 each applicable year. The Department of Human Resources shall
38 review each implementation plan, and, if it determines that the
39 implementation plan fails to address the identified deficiencies,
40 shall order the agency to supplement or make changes to its plan.

1 A state agency that has been determined to be deficient shall report
2 to the Department of Human Resources every six months on its
3 progress in addressing the identified deficiencies.

4 (g) If the Department of Human Resources determines that a
5 state agency has not made reasonable progress toward complying
6 with this chapter, the department ~~may~~ *shall* issue orders that it
7 deems appropriate to effectuate the purposes of this chapter.